

Unified Program Workshop

Inspection/Enforcement Compliance Concept

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The Unified Program (UP)

- A State and Local government partnership established in 1994
 - Implement six State and Federal regulatory programs:
 - Hazardous waste generator and on-site treatment program
 - Hazardous Materials Release Response Plans and Inventories program (business plans)
 - Hazardous Materials Accidental Release Prevention Program (Cal/ARP)
 - Underground Storage Tank Program
 - Above Ground Petroleum Tank Program (plan element only)
 - Uniform Fire Code Hazardous Materials

Intent of the Unified Program

- Coordinated, consolidated and consistent Program implementation through:
 - Consolidated and consistent administration of the six programs
 - Coordination of regulation development across all six programs
 - Consolidated permits
 - Consolidated single fees
 - Coordinated inspection and enforcement activities

Role of the Secretary of Cal/EPA

- Overall program implementation
- Develop program performance standards
- Certification of local programs to implement the Unified Program
- Evaluation of Certified Unified Program Agencies (CUPAs)

Role of State Agencies

State Agencies are responsible for establishing statewide standards and assuring consistent implementation

- Department of Toxic Substance Control
- State Water Resources Control Board
- Governor's Office of Emergency Services
- Office of the State Fire Marshal

Role of CUPAs

Certified Local agencies, CUPAs, are responsible for application of statewide standards to regulated businesses

- Identifying and permitting regulated businesses
- Collection of single fee
- Inspection of regulated activities
- Compliance assurance through education and enforcement

Partnership Structure

- The Unified Program Administration and Advisory Group (UPAAG)
 - Cal/EPA and state programs
 - California CUPA Forum Board
 - US EPA
- Inspection and Enforcement (I&E) Steering Committee
 - I&E workgroups develop specific products such as this one

Program Accomplishments

In FY 05/06 the UP:

- Regulated almost 140,000 businesses
- Conducted over 40,000 inspections
- Settled 881 administrative, civil or criminal enforcement actions with over \$9,000,000 in assessed penalties
- Issued over 15,000 informal enforcement actions

Program Improvement activities

- Inspection and Enforcement plan guidance
- Inspection Report writing guidance
- Violation classification guidance
- 9 annual training conferences with over a thousand hours of technical training provided to more than 6400 attendees

Program Limitations

- Same routine inspection--same frequency at all regulated businesses—hasn't changed in decades
- Inspection frequency requirements not based on comparative risk—annually for UST, every 3 years for Business Plan and CalARP---none for hazardous waste generators
- Extensive differences in facility qualitative “risk” or priorities
 - e.g. compliance history, type and quantity of hazardous materials, nature of engineering safeguards, type of environmental protection technology, proximity to receptors

Program Limitations cont.

- Ever increasing regulatory scope, complexity and protection
- Continual improvements in compliance technology
- Continuing resource constraints

Emerging Priorities

- Enforcement Initiatives
 - Multi-jurisdictional actions
 - Non-permitted “outside the system” operators
 - Recalcitrant/repeat violators
 - Specific problem areas within jurisdictions
- Improvement Opportunities
 - New compliance strategies
 - Enforcement Task Force coordination
 - Enhanced investigations

Concept: Focus resources on highest environmental priorities first

- Utilize compliance verification strategies and tactics based on appropriate qualitative “risk” or priority factors
- Extensive use of data to inform priority decisions
 - Long regulatory history
 - Detailed understanding of regulated entities
 - Task Force participation
 - Interagency coordination

Unified Program Regulatory Performance Model (UPRPM)

- Define the ideal comprehensive regulatory program
- Basis for priority setting and directing resources to highest environmental priorities

UPRPM elements

- Regulatory universe identification
- Standard setting
- Education and outreach
- Compliance verification
- Enforcement response
- Performance Indicators
- Interagency coordination
- Priority setting and feedback systems

Specific Proposal

- Pilot projects focused on specific problem
 - Up to 5 qualified CUPAs
 - 3 year length
 - Cal/EPA approval /oversight
 - Periodic results based reporting
- CUPA qualification standards
 - Satisfactory inspection coverage
 - Work products meet program standards
 - Appropriate enforcement response
 - Adequate resources to implement

Proposal continued

- CUPA Application
 - Problem statement
 - Baseline data
 - Project description
 - Performance Indicators
 - Reporting frequencies (not to exceed semi-annually)

Proposal Continued

- CUPA Responsibilities
 - Ensure continual pilot performance monitoring
 - Measure and report status at approved frequencies
 - Propose changes necessary to maintain program effectiveness
- Cal/EPA Responsibilities
 - Receive , review and approve applications
 - Continually monitor projects
 - Modify authorization if necessary

Project Goals

- Enhanced regulatory focus on highest environmental priorities
- Appropriate continuing oversight of lower priorities
- Use of full range of regulatory tools in model as appropriate
- Meaningful measures of results
- Continuing program improvement

Questions/Comments/Suggestions

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